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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT APPLICATION SERIAL NO.09/667,284
FILING DATE22 September 2000
INVENTORS Thomas D. Dickson, Jr., et al.
ASSIGNEE K-TEC, Inc.
GROUP ART UNIT 3712
EXAMINER Drew Becker
ATTORNEY'S DOCKET NO. 46264.0002
TITLE "Blending Station Apparatus and Method"

§1.131 AFFIDAVIT OF THOMAS D. DICKSON

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

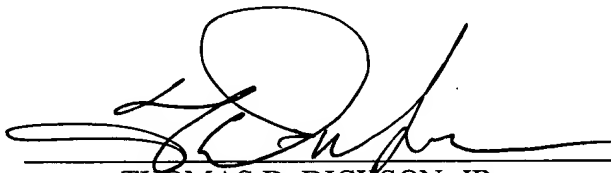
From: L. Grant Foster
HOLLAND & HART LLP
555 - 17th Street, Suite 3200
P.O. Box 8749
Denver, Colorado 80201
Telephone: (801) 595-7830
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I, **THOMAS D. DICKSON**, declare that:

1. I am the inventor named on the patent application referenced above and the inventor of the subject matter described and claimed therein. I have reviewed and understand the contents of the above-identified application and the Office Action dated January 5, 2004.
2. I understand that claims 2-3 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,619,901, 988 to Reese et al. in view of U.S. Patent No. 6,536,224 to Frank et al. The remarks and attached exhibit which follow establish that the subject matter of the rejected claims was reduced to practice prior to the August 18, 2000 priority date of the Frank et al. patent.

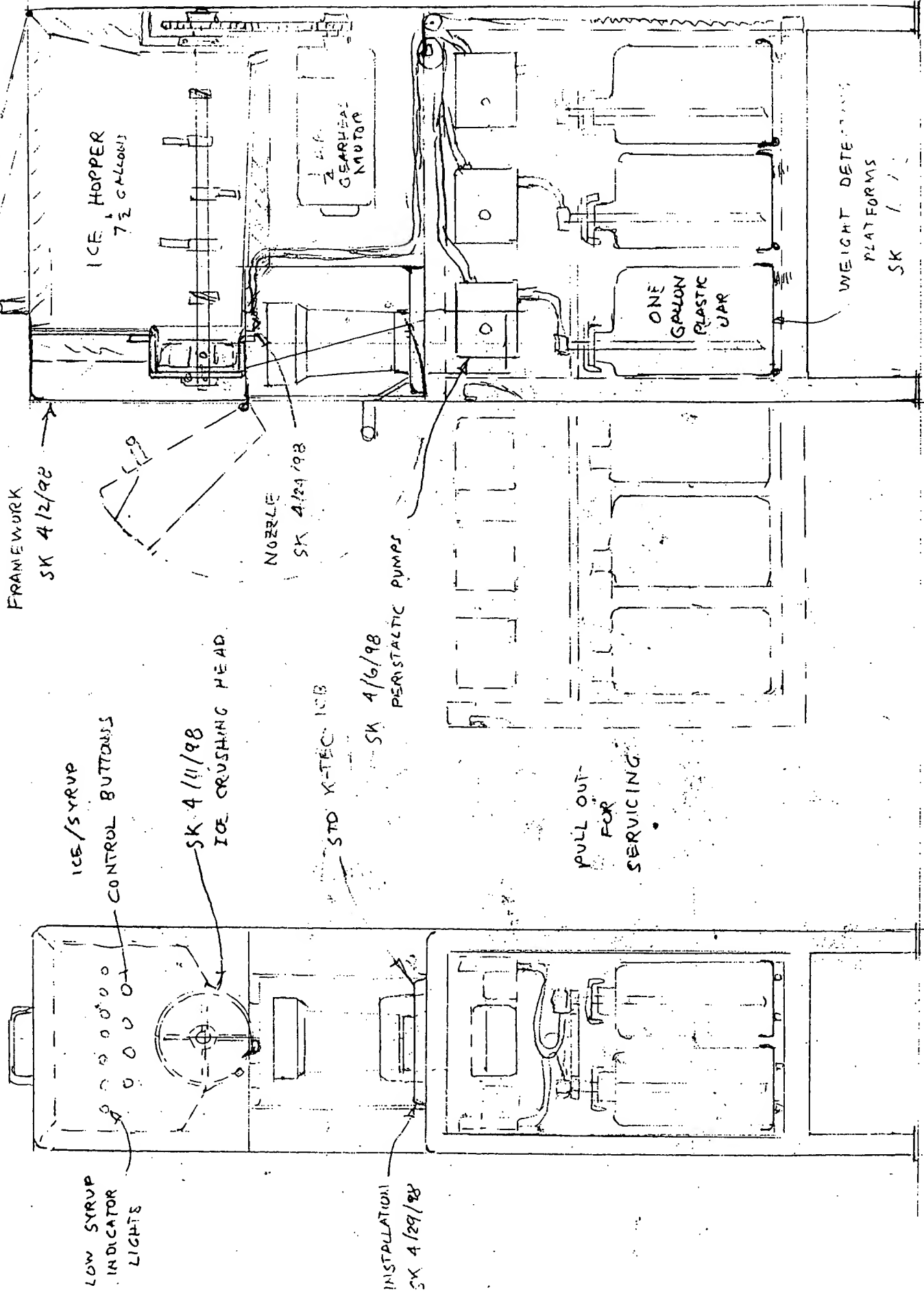
3. Prior to August 18, 2000, the invention as described and claimed in the subject U.S. application had been completed in this country, as evidenced by the following:
Prior to August 18, 2000, having earlier conceived the idea, a device and method for blending foodstuffs was reduced to practice as evidenced by the drawings attached hereto as Exhibit "A."
4. Each of the dates deleted from Exhibit "A" is prior to August 18, 2000.
5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

15 JUN 04
DATE


THOMAS D. DICKSON, JR.

SIX FLAVOR SMOOTHIE MACHINE

1/8 SIZE



14" W X 24" D X 54" H

RWC



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EXAMINERDrew Becker
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I, **THOMAS D. DICKSON**, declare that:


1. I am the inventor named on the patent application referenced above and the inventor of the subject matter described and claimed therein. I have reviewed and understand the contents of the above-identified application and the Office Action dated January 5, 2004.
2. I am skilled in the art of blending devices, blending methods, and pumps, particularly blending devices, methods, and pumps for foodstuffs.
3. The word "refrigeration" only has meaning to one of skill in the art of blending devices and methods with reference to a mechanical refrigeration cycle. A supply of ice for blending does not constitute a "refrigeration system" nor a "refrigerated foodstuffs supply line" as the term "refrigeration" is understood by one of skill in the art.

4. I have studied U.S. Patent No. 5,619,901 issued to Reese et al., U.S. Patent No. 6,326,047 issued to Farrell, and U.S. Patent No. 6,536,224 issued to Frank et al.
5. Neither Reese et al. nor Farrell discloses a refrigeration system or a refrigerated foodstuffs supply line as the terms “refrigeration” and “refrigerated” are understood by those of skill in the art.
6. Reese et al. does not disclose a foodstuffs supply line or selectively and automatically introducing foodstuffs into a blending container upon request.
7. What the Examiner has stated is a “liquid supply line (Figure 10B, #41)” in Reese et al. is actually a mixed drink discharge port. *See* Reese et al., col. 5, ll. 57-59.
8. One of skill in the art would have no motivation to combine the teachings of Reese et al. with the teachings of Farrell or Frank et al., nor does the combination of Reese et al. with Farrell and Frank et al. arrive at the claimed invention.
9. Reese et al. is directed to precise control of beverage dispensing, and does not disclose automatic supply lines. *See* Reese et al., col. 5, ll. 50-55.
10. Reese et al. does not disclose a foodstuffs supply line, nor does it selectively and automatically introduce foodstuffs into a blending container upon request.
11. Farrell requires the use of hot water to work with its peristaltic pump. *See* Farrell, col. 4, ll. 59 – col. 5, ll. 39.
12. There is no teaching in Reese et al. or Farrell that would motivate the skilled artisan to combine the hot water supply (with pressure supplied by a peristaltic pump) of Farrell with the features of the Reese et al. blender.

13. Reese et al. discloses gravity-fed drink mix receptacles. There is no teaching or suggestion found in Reese et al. or Farrell to provide pumps to move foodstuffs into a blending container.
14. A skilled artisan would not be motivated to combine a foodstuffs refrigeration system or a refrigerated foodstuffs supply line with a pump-operated hot water supply as taught by Farrell.
15. Neither Reese et al. nor Farrell disclose a cleaning location or a cleaning liquid supply line to automatically clean the blending container.
16. The term “automatic” means the absence of human intervention to one of skill in the art.
17. Manual operation of a warm-water sink spigot does not constitute “automatic” to one of skill in the art.
18. Frank et al. discloses a single-flavor, slow-freezing drum.
19. There is no motivation to the skilled artisan to combine the teachings of Frank et al. with Reese et al.
20. There are no common or individual teachings in either Reese et al. or Frank et al. that would give the skilled artisan a reasonable expectation of successfully combining the two. Reese et al. discloses a quick-blending drink machine with multiple drink mix dispensers. Frank et al. teaches a single-flavor, slow-freezing drum.
21. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

1 JUNE 04
DATE


THOMAS D. DICKSON, JR.